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## Law Schools and Public Legal Education: The Community Law Programme at Windsor

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### *I. Introduction*

The term public legal education is of relatively recent vintage. Although the Bar has long acknowledged a responsibility to provide the public with information about the law and our legal system, it usually assumed that the private practitioner could perform this function adequately within the context of his daily practice. Only in the last decade have we come to realize that this function was not being performed and that general information about the law was unavailable to most citizens.<sup>1</sup> Not only was the Bar not involved in “access to justice” problems, but those engaged in legal education seemed to have little concern for those not intending to enter the practice of law. Consequently, the fairness of fundamental axioms, such as, “everyone is presumed to know the law”, became questionable, and lofty phrases, such as, “it is the right of every Canadian to have general information about the law”, began to smack of empty rhetoric.

This is not to say that no public legal education was undertaken. Several groups were indeed attempting to provide such services: many law faculties supported clinical projects; some trade unions sponsored seminars on unemployment insurance, workman’s compensation, and landlord-tenant problems; and various community service groups drew on local members of the Bar for support in their educational programmes. But, until recently, most public legal education projects were sporadic and unsystematic. What was missing was co-ordination and the provision of services in outlying areas. The Community Law Programme at Windsor, established in January, 1973, is one attempt to establish a co-ordinated approach to public legal education over a wide geographic area. Since its founding the Programme has been funded by the Donner Canadian Foundation, the Federal Department of Justice, and the Law

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1. See Friedland, *Access to Law* (Toronto: Carswell/Methuen, 1975)

Foundation of Ontario as a “program of public legal education aimed at explaining Canadian law and procedure to the layperson”.<sup>2</sup>

## II. *Projects of the Community Law Programme*

The Programme has initiated various projects. Many of these could not have been predicted in 1973, but all relate to our basic goal and reflect factors such as changes in personnel, variations in the perceptions of audiences, and the success of individual initiatives.

### 1. *Speakers Programmes, Seminars, Community Forums, Courses*

Many of the Programme’s first projects pertained to the provision of speakers, the sponsorship of forums and public lectures, and the oral dissemination of preventive legal information. These activities were usually directed at specific groups, such as high school teachers, social workers, public librarians, retirees, and journalists. From the beginning, the Programme operated an extensive high school speakers programme involving some thirty institutions in Windsor and Essex County. Several longer courses were also developed. For example, in cooperation with the Extension Division of the University, several one-term courses were mounted on topics such as introduction to law, labour law, municipal law, administrative law, land use planning, and consumer law. Again, with the assistance of St. Clair Community College, an introductory course, “le citoyen et la loi”, was established to serve the area’s 40,000 francophones. Finally, a joint project with the law school’s Women’s Caucus has been the development of an open enrollment, fifteen week course on women and the law, which regularly has fifty to sixty registrants.

The most ambitious project of this nature was an off-shoot of our involvement with secondary schools in the Windsor-Essex area. In July, 1976 and 1977, under the auspices of the Ontario Ministry of Education, the Faculty of Law, and the Community Law Programme, we presented a two week summer course for high school teachers. This “Summer Institute of Legal Studies” was

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2. A general overview of the development of this programme to January, 1977 is provided in R. A. Macdonald, *The Community Law Program at Windsor — An Interim Report* (1976), 10 Law Society of Upper Canada Gazette 344. Preventive public legal education should be distinguished from clinical programmes whose primary focus is remedial. See generally R. I. Ianni, *Reflection on the state of Public Legal Education in Canada*, (1977), 1 Can. Com. L.J. 3

intended to provide additional background and updating for secondary school teachers involved in legal studies courses, and to generate source material for such courses. The topics included legal theory, contracts, torts, civil and criminal procedure, family law, evidence, and criminal law. A tour of the Wayne County Jail in Detroit, an afternoon discussion with a Crown Attorney, and a mock criminal trial gave many teachers their first direct experience with the criminal justice system. The success of the programme indicates that one of the most crucial, yet neglected, areas of public legal education involves the teaching of law or legally related subjects in elementary and secondary schools.

Although projects such as forums, seminars and courses still form a substantial part of the Programme, our experience indicated a need for more permanent forms of information provision. As a result, the Programme started in 1974 to produce videotapes and several general brochures and pamphlets as a second part of its operation.

## *2. Videotapes and Films*

The development of electronic media resources was, for three reasons, a logical outgrowth of our earlier activities. First, every public discussion seemed to terminate with the same questions: are there any films we can rent or buy on the topics discussed? Are there any materials available which we, as laypersons, can make use of on our own? Secondly, as requests to speak at forums or to interested groups become more frequent, we found that we were simply unable to keep up with the demand. Finally, as word of our projects spread, requests from neighbouring communities, such as Leamington, Chatham and Sarnia, came in and we realized that legal information was needed in places other than those which could conveniently be serviced from Windsor. Consequently, we began to reduce many of our forum topics to videotapes. To date, nine half-hour tapes in two series have been completed. The first series, "Plain Talks on Canadian Law", includes discussions of welfare law and workmen's compensation; while the second series, "The Law and How it Works", covers issues such as marriage breakdown, child abuse, buying a house, impaired driving, and a consumer action in the small claims court. A tenth tape, a one-hour documentary on wife abuse, is also available.

Many of these tapes are on file at some two dozen locations throughout Canada, from Halifax to Victoria, as well as in the United States and Australia. In addition, they have been viewed on

both regular and cable television at many locations including Brantford, Cornwall, London, Sudbury, Hamilton, Kingston, North Bay, Peterborough, Ottawa, and Sault Ste. Marie, as well as in Windsor and Detroit. Limited distribution rights to most of these tapes have been purchased by the Ontario Educational Communications Authority and, as a result, the tapes have been circulated at low cost across Ontario. More importantly, the Programme operates a videotape lending library which distributes approximately 100 tapes per month to locations throughout North America. High schools, community colleges, social service agencies, and various charitable organizations are the principal users.

### *3. Pamphlets, Brochures and Other Publications*

In response to the same needs that led to the production of the videotapes, the Programme began to produce flyers, pamphlets, and brochures. These, more than videotapes, provide a permanent source of information, which is more cheaply produced and more widely distributed. Yet, as we began to distribute these pamphlets, we became aware that laypersons have varying interests and a wide range of prior legal knowledge. We have now identified three general categories of consumers: laypersons, students in elementary or secondary schools, and surveyors of legal information such as teachers, librarians, social workers, the police, *etc.*

To date, we have developed two series of publications specially designed for high school teachers. The first is a five volume collection of cases and materials on basic legal problems; another is a pamphlet series entitled "Mechanics of the Court", which covers civil procedure, evidence, remedies, and criminal procedure. Materials on how to organize a mock trial moot court programme are included. A second collection of booklets, in a series entitled "Law and the Layperson", is directed at those seeking an understanding of selected aspects of the law. Pamphlets on the small claims court, consumer law, courts and trials, social services, landlord and tenant, and the legal aid plan have already been produced. These are not intended to duplicate commercial publications of the "How To" variety. They are designed to explain aspects of the law and the historical or logical rationale (if any) for current legal rules.

There is great demand for legally related material in the pre-high school age group, where students, through history and social studies

courses, first become aware of the Canadian legal system, and in the high schools, where students seek information on laws relating to liquor, motor vehicles, and drugs. To meet this need, a twenty-page "comic book" explaining the origins and development of the Canadian legal system has been produced for elementary school students. In addition, in 1975 a short brochure, modelled on a Manitoban pamphlet called "All you ever wanted to know about the law but were afraid to ask", was distributed to over 45,000 persons under the title "Legal Survival Kit for students". While these two publications are addressed to students, they have proved effective in "introduction to law" courses at community colleges and as general information for laymen.

A fourth set of publications is directed at various audiences. One brochure, the "Canadian Legal Research Guide", has been produced for distribution to all the above groups and to first year law students as well. It is a description of how to find statutes, regulations, amendments, cases, periodical literature, and of the basic tasks of legal research. In addition to wide circulation in Canada, this publication is on file at many locations in the United States. Another pamphlet, based on Quebec's "Minute Juridique" series, is a brochure of 100 radio spot announcements on various legal topics. This pamphlet is produced for both broadcast purposes and for reproduction in weekly newspapers.

As word of our Programme spread, we became aware that English was not the sole language of the layman, and that our pamphlets, videotapes and services ideally ought to be available in Greek, Italian, Portuguese and other languages spoken in Ontario. However, the cost factor compelled us to restrict our translations to French, the first language of 800,000 Ontarians. The "Legal Survival Kit" and the "Legal Heritage Comic" have been translated into that language. As a result of mailing campaign, we have compiled a list of approximately 1000 organizations who are receiving our materials. These include public libraries, high schools, hospitals, prisons, community service bureaus, union halls, and television stations across Ontario and in other provinces. Supply to this network, combined with mailings in response to written requests, and the pickup of material of seminars and forums, has resulted in a total distribution of close to 100,000 copies of Community Law Programme literature. This, we feel, is additional evidence of the need for public legal education services.

### III. *Integration of Public Legal Education Into the Law School*

It is obvious that any project as ambitious as the Community Law Programme requires substantial support from both faculty and students. Interestingly, however, almost all participation in our projects is voluntary. Students do not receive course credit for their contributions; faculty do not benefit from reduced teaching loads or lightened committee responsibilities. Until now, it has been the view of the faculty that such activities should be extracurricular and, as a result, the Programme has only one salaried employee, a secretary-office manager who works two days a week. There have been suggestions for a more complete integration of the Programme into the curriculum and some of these will be discussed below.

In what ways have faculty participated in the Programme? First, many of our forums, seminars, and courses are prepared and presented by professors. In addition, several faculty have edited and revised the manuals for presentations by students to high schools. The summer institute was organized and taught by faculty members, and several professors have participated in radio broadcasts of an educational nature. Secondly, individual professors have assumed responsibility for producing and editing videotapes. For example, Professor Borowicz, Associate Dean Stewart, and Professor Arvay produced, respectively, tapes on child abuse, consumer law, and wife abuse. Other faculty have written or edited scripts, acted various roles, and arranged for the use of filming facilities. Thirdly, the academic staff has assisted in the writing, revision, editing, and proofreading of pamphlets and brochures. Professor Lockyer drafted a sixty page pamphlet on landlord and tenant law; Professor Murphy wrote both the legal research guide and the legal heritage comic; Professor James proofread the consumer law brochure; Professor Veitch wrote a remedies primer; and Professor Bushnell an evidence précis. The contribution of faculty members has been an indispensable part of the Programme's publications project.

But this is not to minimize student involvement. As participants in the high school speakers programme, researchers and writers of brochures, and participants in videotapes, the students have provided great service to the Programme. It should be mentioned that, within the framework of a supervised research course, two students prepared pamphlets on collective bargaining and on unemployment insurance. Moreover, various summer job opportunities funded by Canada Manpower have permitted the Prog-

ramme to hire students to participate in public legal education projects.

Aside from encouraging volunteers, what other possibilities are there for making the Community Law Programme a part of the academic curriculum? First, there is now a proposal before the Academic Planning Committee to establish a course entitled "public legal education", which would permit students and faculty to receive credit for work in this field. Secondly, it is possible to structure supervised research requirements more loosely, so that the production of videotapes, or the preparation of seminars and courses could be classified as research. Finally, it has been suggested that a substantial part of the clinical law programme be devoted to public legal education so that the resources now devoted to that project could be directed to both preventive and remedial legal services. Obviously, the full integration of the Programmes into the curriculum is far from accomplished. Nevertheless, the importance of the Programme and the expansion of its activities has led to reconsideration of whether it should remain an extracurricular activity.

Our experience at Windsor seems to reveal that there are three major issues to be addressed by any Faculty of Law contemplating the structuring of a public legal education project as part of its regular curriculum. First, the cost factor must be considered. Our basic Programme has cost an average of \$75-\$80,000 annually. Of course, items such as office and equipment rental, and overload secretarial time are not cash outflow expenses, yet there remains about \$50,000 in cash which must be raised each year. Unless a Faculty has a substantial endowment or access to funding from outside sources, such a project is prohibitively expensive.

A second consideration which should be addressed is the amount of faculty time devoted to the project. Unless a Law School has one member of faculty who is prepared to spend 20-25 hours weekly (over and above regular teaching, research and administrative duties) and two or three others who will devote 10-12 hours weekly, public legal education on the scale attempted at Windsor cannot survive. Of course, the uncompromising support of the Dean is a prerequisite, as only he is able to control the scheduling of regular duties and allocation of extra secretarial time. It is probably unrealistic to expect a continuing commitment from all or even most faculty, but without at least occasional involvement from most professors any programme is likely to fail.



A final issue which must be resolved before integration into the curriculum can be accomplished is that of "academic content". It is inevitable that public legal education (like clinical education before it) will raise the scepticism of purists. At Windsor we have attempted to overcome this resistance through the vehicle of supervised research; yet few of our projects can be made to fit the requirements for such research. With the new conservatism of the late 1970s and impending financial cutbacks it is unlikely that other alternatives such as a course entitled Public Legal Education or a redirection of clinic priorities will be adopted.

Candid evaluation of the above factors has led us to a rethinking of our public legal education priorities. While the Community Law Programme continues as an extra-curricular activity and the other projects outlined in Part IV of this comment (*infra*) flourish, we are pursuing the idea of a comprehensive Access to Justice Institute involving all of the above, our clinical programme and a specialized graduate programme. Such a development will meet the problems of funding, staffing and academic content and should facilitate the complete integration of public legal education into the law school curriculum.

#### *IV. Other Activities and Projects derived from the Community Law Programme*

Although the aim of making Canadian law and procedure understandable to the layperson animates the Programme, the Faculty has undertaken other projects which indirectly achieve this purpose as well. The basic Programme is focussed on the areas outlined above, but different "access to justice" concerns have developed into independent projects.

##### *1. The Canadian Community Law Journal*

As we began to receive responses from diverse organizations, the need for a vehicle of co-ordination of public legal education projects became clear. Such a vehicle would provide an important bibliographic function (compilation and indexing of videotapes, brochures, and services), avoid duplication of services and resources, and share insights and experiences in the field. The Programme was thus pleased to participate in the 1977 Summer Job Corps Programme which led to the publication of a 320 page

directory of programmes and resources in Ontario.<sup>3</sup>

But the need for an ongoing forum for the exchange of ideas, as well as the cataloguing of services, was revealed by this project. As a result, the Faculty of Law and the Community Law Programme, with funding from the Federal Department of Justice, the Canadian Law Information Council, and the Law Foundation of Ontario, launched a Canadian Community Law Journal, whose first two issues appeared in October, 1977 and June 1978. Although originally a project of the Programme, the Journal has acquired an independent existence and is now under the direction of a student board of editors, a faculty advisory board, and a national consulting board with coast-to-coast representation. The Journal itself comprises two parts: a comment, opinion and reviews section, and a bibliographical section listing new pamphlets, videotapes and services of all Canadian community law programmes, as well as other organizations involved in public legal education. Response to the Journal has been overwhelming and we are hopeful that it will continue to serve as an important vehicle for exploring the problems and potential of public legal education projects.

## *2. The Community Law Caravan*

A second initiative of the Programme, now an independent project of the Faculty of Law, also resulted from our canvassing of individuals and groups throughout Ontario. Many responses emphasized the difficulties of the northern and rural communities, where there are fewer lawyers than in the metropolitan areas and no law schools. Consequently, the Law School, with principal funding from the Donner Canadian Foundation, sponsored a "Community Law Caravan".<sup>4</sup> This Caravan, operating from a 29 foot Winnebago-cum-walk-in display unit has criss-crossed Ontario north of the French River, presenting bilingual programmes, distributing literature, and reinforcing public legal education resources in this area. Each year Caravan travels approximately 5500 miles, stopping at twenty-nine communities during June, July and August. In nine weeks on the road, almost 3000 people visit the Caravan.

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3. R. Simmonds, (ed.) *Ontario Catalogue of Public Legal Education Resources* (1977)

4. R. A. Macdonald, *The Community Law Caravan* (1978), 12 Law Society of Upper Canada Gazette 78; C. Morison, *The Community Law Caravan — Taking it to the Streets* (1978), 2 Canadian Community Law Journal 41

A typical day in the life of the Caravan is as follows. Upon arrival in a town, local resource persons are contacted to verify the location planned for the Caravan vehicle, as well as any publicity arrangements. The doors of the display vehicle are opened to the public at approximately 10:00 each morning, after the staff set up displays inside. On approaching the Caravan, visitors see a sign "Do you have any question about the law?"; they also see one or two staff members seated at a table outside the Winnebago with a display of publications. After being greeted, each visitor is invited inside, where he finds a display of the Programme's publications, as well as a number of pamphlets published by government ministries. Posters illustrate many situations with which the law deals. The Caravan carries a reference library of statutes, texts, and files of legal materials on anticipated areas of interest.

The members of the Caravan staff are easily identifiable by a blue and white T-shirt showing the Caravan, as well as by name tags. A visitor is invited to browse through the materials displayed, pick up a copy of any publication of interest, and ask questions of the staff. Seats are available inside, both in the front and rear of the vehicle, for longer conversations or discussions with small groups. At any given time the Caravan is staffed by a minimum of three persons. In addition to its role as a general information display service, the Caravan sponsored seminars and forums in most communities. High school teachers, children's aid workers, women's groups, native people's organizations, and trade unions were the usual audience for these discussions. In this way, the Caravan served to bring almost all aspects of the Community Law Programme to communities where no such project was then in operation. It provided contact with an established programme for those attempting to set up local projects.

### *3. The Research and Resource Programme for Prepaid Legal Services*

A third independent project at Windsor developed from the realization that no programme of public legal education could be effective if restricted to preventive projects. As a result, many of the local services of the Community Law Programme have been integrated into the Student Legal Aid Service and the Faculty clinic — Legal Assistance of Windsor. Further, the Programme was involved in the establishment of a haven for abused women with

small children, Hiatus House. Ultimately it is hoped to establish a community resources centre, involving a legal clinic, social services, and a public legal education bureau in downtown Windsor.

The most important step in this wider perspective is the development by a former co-director of the Programme and two other law professors of a Research and Resource Programme for Prepaid Legal Services.<sup>5</sup> This project, funded by the Donner Canadian Foundation, began on January 1, 1979 and involves the creation of a national resource centre for information and research on prepaid legal services. In addition, the project will sponsor an Annual National Conference and publish a regular newsletter.

The project will operate under the guidance of a national board of directors, representing the legal profession, legal academics, the Canadian labour movement, and consumer groups. The reason for the project is that almost seventy-five percent of Canadians do not have effective access to our legal system, and that experience in Europe and the United States suggests that prepaid legal service plans may be the most appropriate response to this problem.<sup>6</sup> Although the project is in its infancy, response from insurance companies, the bar, and trade unions indicates its potential impact.

### V. Conclusion

Public legal education is at last receiving from academics the attention that it merits. The mission of the law school is too narrowly conceived if it involves nothing other than the training of future lawyers. To the extent that clinical programs have highlighted, and been responsive to, "access to justice" problems, institutions sponsoring them deserve congratulations. But access to justice means more than practicing poverty law. The development of public legal education resources is equally as significant a public service, if only to raise legal consciousness and maximize legal problem avoidance.<sup>7</sup> Every Canadian law faculty should consider developing such a programme. At Windsor, we believe that our Community Law Programme has demonstrated many ways in which

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5. L.C. Wilson and C.J. Wydrzynski, *Prepaid Legal Services: Legal Representation for the Canadian Middle Class* (1978), 28 U.T.L.J. 25

6. Curran, *The Legal Needs of the Public* (Chicago: American Bar Foundation, 1977).

7. See P. Hartt, *Law Reform Through Consciousness Raising* (1975), 9 Law Society of Upper Canada Gazette 132

a faculty's resources can be channelled to meet this important need. Through our Journal, our Caravan, and our Prepaid Legal Services Programme we have initiated other projects which it is hoped will ultimately result in the evolution of a comprehensive "Access to Justice Institute". This marshalling and deployment of resources is an aspect of the Law School's mission which is as significant as its traditional role. Unfortunately, it is a role which most schools have neglected for too long.<sup>8</sup>

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8. I wish to thank my colleague Professor Ralph Simmonds, Faculty Advisor to the Canadian Community Law Journal and an active participant in many Community Law Programme projects, for his assistance in preparing this comment.